

EXHIBIT 7

Glenn Randle

Chicago, IL

November 17, 2005

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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CERTIFIED COPY

In re: PHARMACEUTICAL MDL DOCKET NO.
INDUSTRY AVERAGE WHOLESALE CIVIL ACTION
PRICE LITIGATION 01CV12257-PBS

THIS DOCUMENT RELATES TO:

ALL ACTIONS

Deposition of GLENN RANDLE, taken before
GREG S. WEILAND, CSR, RMR, CRR, Notary Public,
pursuant to the Federal Rules of Civil Procedure for
the United States District Court pertaining to the
taking of depositions, at Suite 2000, One North
LaSalle Street, in the City of Chicago, Cook County,
Illinois, commencing at 8:11 o'clock a.m., on the
17th day of November, 2005.

Henderson Legal Services
(202) 220-4158

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1 what this check/EFT is in reference to?

2 A. Common sense would tell me it is a check
3 number or electronic funds transfer reference
4 number. That's -- I'm taking a guess at that, but
5 that would be the common sense.

6 MR. CHRISTOFFERSON: Just for the record,
7 Defendants would request that to the extent
8 documents such as those that appear on SMW 0082,
9 that other documents such as this are in existence,
10 that they be produced to the Defendants to indicate
11 payment by the Fund in connection with these claims.

12 THE WITNESS: 82 or -- okay.

13 MS. CONNOLLY: I'll consider your request.
14 I think we gave you everything, but we will look
15 into that.

16 BY MR. CHRISTOFFERSON:

17 Q. With respect to the drugs that are listed
18 in Paragraph 4 of your affidavit that we discussed
19 earlier, were payments made by the Fund for these
20 drugs based on average wholesale price or AWP?

21 MS. CONNOLLY: Objection, form.

22 THE WITNESS: Do you want to restate?

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1 BY MR. CHRISTOFFERSON:

2 Q. Were the amounts that the Fund paid to
3 providers under the Wraparound Plus Program for the
4 drugs that you've identified in Paragraph 4, were
5 those amounts based on average wholesale price of
6 the drugs that are listed in Paragraph 4?

7 MS. CONNOLLY: Objection to form.

8 You can answer.

9 THE WITNESS: All payments were made based
10 on the Medicare-approved plan form. No other
11 criteria was looked at by our third-party
12 administrator to my knowledge other than, you know,
13 you have to go to Medicare to find out that as I
14 would see.

15 BY MR. CHRISTOFFERSON:

16 Q. Do you know if the average wholesale price
17 of any of the drugs that were reimbursed appears on
18 any of the documents that were produced by the Fund?

19 MS. CONNOLLY: Objection, form.

20 THE WITNESS: Only if it's a standard
21 process of Medicare. I don't know personally.

22 BY MR. CHRISTOFFERSON:

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1 Q. What is your understanding of average
2 wholesale price?

3 A. You know, it is what its name is as I
4 understand it. It's some type of a standard that's
5 produced by some group and identified as just that
6 average wholesale price. Now, how their sampling is
7 done and who is it that does it and whatever I don't
8 have any knowledge of.

9 Q. Do you know who calculates average
10 wholesale price?

11 A. No.

12 Q. Do you know generally how it's used?

13 MS. CONNOLLY: Objection to form.

14 THE WITNESS: Do you want to restate?

15 BY MR. CHRISTOFFERSON:

16 Q. Do you know what the purpose of average
17 wholesale price is?

18 MS. CONNOLLY: Objection to form.

19 THE WITNESS: Personally I don't.

20 BY MR. CHRISTOFFERSON:

21 Q. Does the Fund keep track of the average
22 wholesale prices of the drugs that it reimburses?

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1 A. Personally, I don't know if they do.

2 Q. Are you familiar with the term wholesale
3 acquisition cost or WAC, W-A-C?

4 A. No.

5 Q. To your knowledge, does the Fund keep
6 track of wholesale acquisition costs or WACs for the
7 prescription drugs that it reimburses?

8 A. Not to my knowledge. I don't know.

9 Q. When did you first learn of this
10 litigation?

11 A. In the end of 2004 I think, at one of our
12 trustee meetings, Jan made us aware of it being out
13 there and asked us whether we wanted to --

14 MS. CONNOLLY: Don't tell him what Jan
15 told you.

16 BY MR. CHRISTOFFERSON:

17 Q. I believe in your affidavit you said
18 December 9th, 2004.

19 Does that refresh your recollection?

20 A. It's very possible if that's what I said.

21 Q. And just to be clear, I think you
22 testified earlier that you're in the process of

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1 BY MR. CHRISTOFFERSON:

2 Q. Did you have the -- with respect to
3 Paragraph 25a on Page 13, when did you first see
4 this paragraph in this document?

5 A. Today.

6 Q. So you never had the opportunity to review
7 this before it was filed?

8 A. There's a document that I've looked at.
9 It's certainly not this thick, some information that
10 I've looked at. I don't know if this is a
11 duplication of that myself. Total recollection of
12 what that document said, I don't think so. As I
13 said, we had that SMW Plus error there in the mid
14 paragraph. That doesn't ring a bell with me.

15 Q. Do you know when you reviewed this other
16 document that you're talking about?

17 A. In the last two or three weeks.

18 Q. Do you know if it was after October 17th?

19 A. That I reviewed it, probably.

20 Q. Did you make changes, any changes to that
21 document?

22 A. No.

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1 **Q. What are the claims that the Fund is**
2 **asserting against the Defendant drug manufacturers?**

3 MS. CONNOLLY: Objection to form.

4 You can answer.

5 THE WITNESS: Restate it.

6 BY MR. CHRISTOFFERSON:

7 **Q. What claims are you asserting, and by you**
8 **I mean the Fund, asserting against the Defendants in**
9 **this litigation?**

10 MS. CONNOLLY: Objection to form.

11 You can answer.

12 THE WITNESS: For any overcharge relating
13 to physician-administered drugs for any of our
14 participants.

15 BY MR. CHRISTOFFERSON:

16 **Q. And overcharged by whom?**

17 A. By the provider, whomever it would be. I
18 understand that some of these drugs are -- well, the
19 physicians for the most part administers, are
20 administering the drugs, so I guess they would be
21 the provider.

22 **Q. What is your understanding of the**

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1 documents that the Fund was supposed to produce to
2 Defendants pursuant to the court's order of
3 August 16th, 2005?

4 MS. CONNOLLY: Don't tell him anything you
5 learned from Jan or me.

6 THE WITNESS: Say the question again.

7 BY MR. CHRISTOFFERSON:

8 Q. What's your understanding of the documents
9 that the Fund was required to produce pursuant to
10 the court's order in August?

11 MS. CONNOLLY: Same thing. If you know it
12 independent of talking to me or Jan, you can
13 testify.

14 THE WITNESS: To my knowledge, just claim
15 forms, paid claims.

16 BY MR. CHRISTOFFERSON:

17 Q. We have already discussed, or you've
18 already testified I should say, that you requested
19 these documents from the third-party administrator.

20 A. For them to produce.

21 Q. For them to produce.

22 Did you request any documents from

EXHIBIT 8

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EXHIBIT 9

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EXHIBIT 10

FILED UNDER SEAL

EXHIBIT 11

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EXHIBIT 12

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EXHIBIT 13

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EXHIBIT 14

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